

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**TANCI ISSA BALZAN, #42495-177,
also known as Tanci Balzan Issa,
Petitioner,**

v.

**UNITED STATES OF AMERICA,
Respondent.**

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3:13-CV-1370-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted, the petition for writ of habeas corpus is denied, and petitioner is barred from filing habeas corpus actions in this court without first seeking leave to file from a district or magistrate judge of this court.

Because petitioner filed his petition under 28 U.S.C. § 2241, he is not required to obtain a certificate of appealability in the event of an appeal. *See Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005) (per curiam). The court certifies, however, that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings and recommendation, the court finds and concludes that any appeal of this action would present no legal point of arguable

merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED.

July 26, 2013.


SIDNEY A. FITZWATER
CHIEF JUDGE